

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**RANDALL CROWE**

**PLAINTIFF**

*Individually, and on behalf of all wrongful  
death beneficiaries, and as administrator  
of the Estate of Louis Lee Crowe*

**v.**

**Case No.: 4:19-cv-00668-LPR**

**3M COMPANY, *et al.***

**DEFENDANTS**

**CONSOLIDATED ORDER**

On April 1, 2022, Mr. Dillahunty (counsel for Plaintiff) submitted a status report (letter) regarding potential settlement of the outstanding claims in this case. Mr. Dillahunty explained that “[t]he Parties respectfully request an additional thirty (30) days to meet the remaining requirements of the settlement agreements, in order that this case may be dismissed with prejudice.”<sup>1</sup> It has now been approximately 60 days since that submission, and the Court has heard nothing else from the parties. The parties are ordered to provide a status update within 14 days of the date of this Order. The Court is hopeful that the parties will have reached final resolution of this matter by then. If not, the Court will need to consider whether to place the case back on the trial calendar.

Additionally, the Court treats Plaintiff’s April 1, 2022 letter as a Motion to Dismiss with Prejudice the claims against Defendant BASF Catalysts LLC. Plaintiff’s letter expressly says that the “claims against Defendant BASF Catalysts LLC have been fully resolved and are ripe for dismissal with prejudice . . . .”<sup>2</sup> The Court GRANTS the Motion, essentially for the same reasons it granted dismissal with prejudice against another Defendant in the February 9, 2021 Order.<sup>3</sup> The

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<sup>1</sup> Doc. 129.

<sup>2</sup> *Id.*

<sup>3</sup> Doc. 120.

dismissal has no positive or negative effect on the remaining Defendants' right to seek a nonbinding allocation of fault against BASF Catalysts LLC. After reviewing the Arkansas caselaw, the Court is not certain at this juncture of the extent of that right. The Court means only to say that whatever the extent of that right, the current dismissal does not broaden or narrow that right.<sup>4</sup>

Each of the parties to this Motion are responsible for their own costs and attorneys' fees. The Court retains jurisdiction of this matter for the purpose of resolving any disputes that might arise between the parties to this Motion concerning the terms and provisions of their settlement and to enforce the terms and provision of the settlement agreement and release.

IT IS SO ORDERED this 2nd day of June 2022.

A handwritten signature in black ink, appearing to read 'Lee P. Rudofsky', is written over a horizontal line.

LEE P. RUDOFSKY  
UNITED STATES DISTRICT JUDGE

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<sup>4</sup> For this reason, the crossclaims against BASF Catalysts LLC are not dismissed.